

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA)
)
) v. Criminal No. 6:16-mj-00003
)
)
JAMES AYERS)

JOINT MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

The United States of America, through undersigned counsel, and Defendant James Ayers, through undersigned counsel, jointly request the Court, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), exclude 21 days from the speedy trial clock on the basis that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. The defendant consents to this motion.

The defendant had his initial appearance before this Court on May 2, 2016. The government expeditiously provided discovery to the defendant and anticipates extending a pre-indictment plea offer to the defendant, which would expire upon the defendant's indictment. Counsel for the defendant has met with the defendant on two occasions thus far, but counsel for the defendant needs additional time to effectively prepare for the case to allow for full review of all discovery and full consideration of the anticipated pre-indictment plea offer than the 30 day time period set by 18 U.S.C. §3161(b) affords. There is considerable discovery in the case. Counsel for the defendant also needs additional time to prepare for trial in the event that the case is not resolved through negotiations. The defendant's speedy trial clock presently requires

indictment by June 1, 2016. Accordingly, the parties consent to the exclusion of 21 (TWENTY-ONE) days from the computation of time under the Speedy Trial Act such that the speedy trial clock would be extended until June 21, 2016. This exclusion is in the interests of justice because it will allow counsel for the defendant adequate time to review the case, additional time to prepare for trial, and adequate time for the defendant to consider the government's pre-indictment plea offer while potentially saving critical resources of the grand jury, the Court, and the government.

Pursuant to Title 18, United States Code, Section 3161(h)(1)(D), the parties also request that the Court exclude the time from the filing of this motion through its disposition from the computation of time under the speedy trial clock, and make a specific finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

WHEREFORE, the parties respectfully request that the Court grant this motion. A proposed order is attached.

Respectfully submitted,

JOHN P. FISHWICK
UNITED STATES ATTORNEY

s/ Christopher Kavanaugh
Christopher Kavanaugh
Assistant United States Attorney

JAMES AYERS

By Counsel

s/ David A. Eustis
David A. Eustis
Eustis & Graham, PC

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: counsel of record; and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: none.

S/ David A. Eustis

VSB # 48009